



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, ३ मई, १९८६/१३ वैशाख, १९०८

हिमाचल प्रदेश सरकार

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

*Shimla-3, the 1st April, 1986*

No. EXN. H. (Code) 84-85.—In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (1 of 1914), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the territories transferred to Himachal Pradesh under Section 5 of the Punjab Re-organisation Act, 1966, and by virtue of the powers of the Financial Commissioner, conferred on me under Section 9 of the said Act, read with the Himachal Pradesh Excise Power and Appeal Orders, 1965 and the Punjab Excise power and Appeal Orders, 1956, I, Hem Chand, Excise and Taxation Commissioner hereby make the Himachal Pradesh Liquor Licence Rules, 1986, for the purposes of Punjab Excise Act, 1914 as under:—

THE HIMACHAL PRADESH LIQUOR LICENCE RULES, 1986

PRELIMINARY

- (A) These rules may be called the Himachal Pradesh Liquor Licence Rules, 1986, and shall extend to whole of Himachal Pradesh.
- (B) These rules shall come into force at once.

## A. Class of licences and authorities empowered to grant and renew.

1. There shall be the following classes of licences. Their mode of grant and authorities to grant and renew them shall be noted against each:—

Form	Nature	Mode of grant	Authority empowered to	
			Grant	Renew
1	2	3	4	5
<b>I—Foreign Liquor</b>				
L. 1	Wholesale vend of foreign liquor to the trade only.	Fixed fee	Collector	Collector.
L. 1-A	Storage of foreign liquor in bond combined with wholesale and retail vend of foreign liquor to the trade only.	-do-	-do-	-do-
L. 2	Retail vend of foreign liquor to the public only and wholesale vend to licences in Form L. 3, L. 4, L. 4-A, L. 5 and L. 12-A, L. 12-B and L. 12-C.	Auction or negotiation.	-do-	Not renewable.
L. 3	Retail vend of foreign liquor in a hotel or dak-bungalow.	Fixed fee and assessed fee.	-do-	Collector.
L. 3-A	Retail vend of beer in a hotel or dak-bungalow.	-do-	-do-	-do-
L. 4	Retail vend of foreign liquor in a restaurant.	-do-	-do-	-do-
L. 4-A	Retail vend of beer in a restaurant.	-do-	-do-	-do-
L. 5	Retail vend of foreign liquor in a bar attached to a restaurant (Supplementary to Form L. 4).	-do-	-do-	-do-
L. 5-A	Retail vend of beer in a bar (Supplementary to Form L. 4-A).	-do-	-do-	-do-
L. 6	Retail vend of foreign liquor in a railway refreshment room.	-do-	-do-	-do-
L. 7	Retail vend of foreign liquor in a railway dining car.	-do-	Financial Comissioner.	Financial Comissioner.

1	2	3	4	5
L. 8	Retail vend of foreign liquor off the premises (Supplementary to Nos. L. 3, L. 4, L. 6, L. 7) and beer off the premises (Supplementary to Nos. L. 3-A and L. 4-A).	Fixed fee and assessed fee.	Collector except when supplementary to L. 7 which shall be granted by the Financial Commissioner.	Collector except when supplementary to L. 7 which shall be renewed by the Financial Commissioner.
L. 9	Retail vend of foreign liquor in a Military Canteen including unit-run Military Canteens or those run regimentally on club lines and I.T.B.P. Canteens.	Assessed fee	Collector with the consent of Commanding Officer.	Collector.
L. 10	Retail vend of beer for consumption on and off the premises.	Auction or negotiation.	Collector	Not renewable.
L. 10-A	Retail vend of beer for consumption on and off the premises in the premises of L-14 vend of Country Liquor.	Fixed fee.	-do-	-do-
L. 10-B	Retail vend of beer for consumption off the premises of L. 14-A vend of Country Liquor.	-do-	-do-	-do-
L. 11	Bottling of Foreign liquor	-do-	Financial Commissioner.	Collector.
L. 12	Vend of Medicated Wines	-do-	Collector	-do-
L. 12-A	Temporary licence for the retail sale of foreign liquor at a bar in a theatre or cinema or in any other temporary place of recreation.	Assessed fee (Plus fixed fee in case of cinema).	-do-	-do-
L. 12-B	Licence for the retail vend of foreign liquor at a bar attached permanently to a theatre or cinema or other such place of entertainment.	-do-	-do-	-do-
L. 12-C	Licence for the retail vend of foreign liquor at a club.	Assessed fee.	-do-	-do-
L. 12-D	Licence for the manufacture and possession of sacramental wine for use on special occasions.	Free	-do-	-do-

1	2	3	4	5
<b>II—Country Spirit</b>				
L. 13	Wholesale vend of Country Spirit.	Fixed fee	Collector	Not renewable except when held by a Distillery or Ware house, in which cas to be renewed by the Collector.
L. 14	Retail vend of Country Spirit for consumption on and off the premises.	Auction or ne- gotiation.	-do-	Not renewable.
L. 14-A	Retail vend of Country Spirit for consumption off the premises.	-do-	-do-	-do-
L. 14-B	Retail vend of Country Spirit at a fair or on a special occasion.	-do-	-do-	-do-
L. 15	Bottling of Country Spirit.	Fixed fee	-do-	Collector.
L. 16	Reduction of Country Spirit.	Free	-do-	-do-
<b>III—Denatured Spirit</b>				
L. 17	Vend of denatured spirit whole- sale and/or retail.	Fixed (Plus per- mit fee.)	Collector	Collector.
<b>IV—Rectified Spirit</b>				
L. 19	Vend of rectified spirit whole- sale and/or retail.	Fixed fee.	Collector	Collector.
<b>V—Country fermented Liquor and Country Spirit prepared from fruits</b>				
L. 20-A	Vend of Tari	Not determined.	Collector	Collector.
L. 20-B	Manufacture and retail vend of Country Fermented Liquor.	Auction or ne- gotiation.	-do-	Not renewable.
L. 20-C	Manufacture and possession of Country Fermented Liquor for home consumption.	Fixed fee	-do-	-do-
L. 20-CC	Manufacture of Country Liquor by distillation from fruits and grains for home consumption.	-do-	Any Excise Offi- cer of the first Class in his jurisdiction.	-do-

1	2	3	4	5
L. 20-D	Manufacture and possession of Country fermented liquor for use on special occasions.	Fixed fee	Collector	Collector.
<b>VI—Special</b>				
L. 21	Extension of hours during which sale is permitted.	Fixed fee	Collector	Collector.

Licences in forms L. 1, L. 1-A, L. 3, L. 4 & L. 5, L. 3-A, L. 4-A and L. 5-A, L. 6, L. 7, L. 8, L. 11, L. 12-A, L. 12-B, L. 12-C, L. 13, L. 15, L. 16 and L. 20-A shall, however, be granted with the previous sanction of the Financial Commissioner:

Provided any licence granted by the Collector with the previous sanction of the Financial Commissioner may be cancelled or suspended or withdrawn by the Financial Commissioner.

### **B. Regulations governing the grant and renewal of licences.**

2. The authority given by these rules to grant and renew licences is, in each case, subject to the restrictions contained in the Intoxicants Licence and Sale Orders as to the localities in which licences may be granted and the number of licences which may be granted in any local area, and to such reservations from the general superintendence of the Financial Commissioner as the State Government may notify under section 8 of the Punjab Excise Act as applied to Himachal Pradesh.

3. Every licence shall be granted to a certain licensee in respect of certain premises.

4. A licence may only be granted to:—

- (a) an individual;
- (b) a body incorporated under the Indian Companies Act;
- (c) a society registered under the Himachal Pradesh Co-operative Societies Act;
- (d) a partnership or firm;
- (e) Hindu undivided family;
- (f) Government Department; and
- (g) a Government Undertaking.

5. When a licence is granted to a Company or Society or Hindu undivided family or Government Department or Government Undertaking referred to in clauses (b), (c), (e), (f) and (g) above it must show the name of an individual as agent acting on behalf of the licensee, who is amenable in full to the Criminal Courts in India. On the application of the Company or Society or Hindu undivided family or Government Department or Government Undertaking, the representative licensee may be changed by the authority competent to grant or renew the licence as the case may be.

6. When a licence is granted to a partnership or firm not incorporated under any Act, all the individuals comprising the partnership of firm should be specified on the licence.

7. On the application in writing of all the original partners, a partner may at any time be added, in case of renewable licences, by the authority competent to renew the licence and in case of licences granted by auction or negotiation by the Collector, provided the proposed

partner is eligible under the Intoxicants Licence and Sale Orders or these rules, in which case he shall be responsible for all obligations incurred or to be incurred under the licence during the period of its currency as if it had originally been granted or renewed in his name.

8. On the application in writing of all the original partners, a partner may at any time be removed, in case of renewable licences, by the authority competent to renew the licence and in case of licences granted by auction or negotiation by the Collector.

9. A licence granted to a partnership or firm is determined by the dissolution of the partnership or firm subject to the liability of the partners jointly and severally, for any loss caused to Government thereby and for the performance of all obligations to Government incurred by the partnership or firm.

10. A licence is said to be renewed when the competent authority allows it to continue after the period of its expiry to the same licensee in respect of the same premises; and whenever a licence has determined by reason of surrender, cancellation or order of non-renewal or other causes, or where it is proposed to issue a licence in respect of premises or persons not previously licensed, a new licence is required:

provided—

- (a) a new licence is not required on account of the addition of or removal of a partner on the application of all the partners or the change of representative of a company or society;
- (b) a licence continued to the legal representative of a deceased licensee for the remaining period of the licence shall not be deemed to be a new licence;
- (c) if the premises of a licence are changed during the period of its currency, the authority competent to grant the licence may direct that the licence may be continued for the remaining period of the term on the existing fee;
- (d) a licence may be transferred by the authority competent to grant it for the remainder of its currency to a new licensee.

11. All applications for the grant, extension or renewal of licences, which require the orders of the Excise Commissioner under the Intoxicants Licence and Sale Orders or these rules should be received through proper channel in the Excise Commissioner's office before the end of December, each year:

Provided that applications for the grant of licences in forms L-3, L-3-A, L-4, L-4-A, L-5, L-5-A or L-12-B may, in urgent cases, where they do not adversely affect any existing licence be submitted at any time in the year.

12. Every application for renewal of a licence, other than a licence governed by rule 11, shall be submitted to the Excise Officer incharge of the district by the 31st day of January, each year. The Excise Officer-in-charge of the district shall lay before the Collector by the 10th day of February each year a list of all licences requiring renewal. The list shall be accompanied in the case of licences on the assessed fee, by a certificate of sales during the current year upto 31st December; in the case of bottling licence by a similar certificate showing proof litres bottled upto 31st day of December. Except with the special sanction of the Excise Commissioner, no order for renewal or non-renewal shall be made after 28th day of February in respect of licences for the following financial year.

13. No person to whom a licence has been granted shall be entitled to claim any renewal or extension thereof and no claim shall lie for damages or otherwise in consequence of any refusal to renew or extend a licence on the expiry of the period for which it remains in force.

14. No licence under these rules except a licence for the vend of medicated wines, denatured and rectified spirit in forms L. 12, L. 17 and L. 19, respectively, shall be combined with any licence for any dealings with any narcotic drug as defined in section 2 (xiv) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) without the sanction of the Collector.

15. No licence shown in column 1 of the subjoined table may be held by persons holding or in any way connected in interest with the persons holding any of the licences shown against them in column 2:—

A licence in form 1	May not be held in conjunction with 2
L. 1 for the wholesale vend of foreign liquor to the trade only.	A licence in form L. 13, L. 14, L. 14-A, L. 14-B, L. 10-A, L. 10-B for the wholesale or retail vend of Country Spirit and Beer. Any licence for the sale of Country Fermented Liquor.
	A licence in form L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 8, L. 10-B and L. 12-C, except with the special sanction of the Financial Commissioner.
L. 1-A combined with L. 11 for the storage and bottling of foreign liquor (in bond).	A licence in form L. 13, L. 14, L. 14-A, L. 14-B, L. 10-A, L. 10-B for the wholesale or retail vend of Country Spirit and Beer. Any licence for the sale of Country Fermented Liquor.
	A licence in form L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 8, L. 10-B and L. 12-C except with the special sanction of the Financial Commissioner.
L. 2 retail vend of foreign liquor to the public and wholesale vend to licensees in form L. 3, L. 4, L. 4-A, L. 5 and L. 12-A, L. 12-B and L. 12-C.	A licence in form L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 6, L. 7, L. 8, L. 9, L. 10-A, L. 12-B, L. 12-C, L. 12-D, L. 15, L. 16, L. 17 or L. 19.
L. 3, L. 3-A, L. 4, L. 4-A, L. 5, L. 5-A, L. 8, or L. 12-B or L. 12-C for the vends of Foreign Liquor, Beer in a Hotel or Dak-Bungalow or Restaurant or Club.	A licence in form L. 1, except with the special sanction of the Excise Commissioner or L. 2 or a licence for any dealing in Country Liquor or a licence in form L. 10-A and L. 10-B attached with Country Liquor Vends.
L. 9 for the sale of foreign liquor in a Military Canteen including Unit-run Military canteen or those run regimentally on Club lines, and Indo Tibetan Border Police Canteen.	A licence in forms L. 2, L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 6, L. 7, L. 8, L. 10, L. 12-A, L. 12-B or L. 12-C.
L. 13, L. 14, L. 14-A or L. 14-B for the wholesale and retail sale of country liquor.	Any licence for any dealing in rectified spirit and denatured spirit.
L. 17 and L. 19 for the wholesale or retail sale of Denatured and Rectified Spirit.	A licence for any dealing in country liquor or foreign liquor.

16. No person holding a licence for a distillery, brewery or winery shall hold any licence under these rules except—

- (a) a licence in form L. 1 and L. 1-A for the wholesale vend of foreign liquor to the trade only;
- (b) a licence in form L. 13 for the wholesale vend of country spirit;
- (c) a licence in form L. 17 for the wholesale vend of denatured spirit;
- (d) a licence in form L. 19 for the wholesale vend of rectified spirit.

17. The licences shown in column 1 of the following statement may only be granted to the persons shown against them in column 2:—

A licence in form 1	May only be granted to 2
L. 5 for the retail vend of foreign liquor in a bar.	The holder of licence in form L. 4 for the retail vend of foreign liquor in a restaurant (only the most superior establishments shall be so licensed). Holders of L. 3 licence shall not be granted L. 5 licences unless they are also in possession of L. 4 licences.
L. 5-A for the retail vend of Beer in a Bar (Supplementary to form L. 4-A).	The holder of a licence in form L. 4-A for the retail vend of beer in a restaurant (only the most superior establishments shall be so licensed). Holders of L. 3-A Licence shall not be granted L. 5-A Licences unless they are also in possession of L. 4-A licences.
L. 8 Supplementary for the retail vend of foreign liquor off the premises.	The holder of a licence in forms L. 3, L. 3-A, L. 4, L. 4-A, L. 6 and L. 7 for the retail vend of foreign liquor/Beer in a hotel or dak-bungalow, restaurant, railway refreshment room or dining car.
L. 10-A for the vend of Beer.	A person holding a licence in form L. 14 for the retail vend of Country Liquor.
L. 10-B for the vend of Beer.	A person holding a licence in form L. 14-A for the retail vend of Country Liquor.
L. 11 for bottling foreign liquor.	The holder of a licence in form L. 1 and L. 1-A for the vend of foreign liquor to the trade only or storage of foreign liquor in bond combined with the whole-sale vend of foreign liquor to trade only or the holder of licence in form B.W.H. 2 to run an excise bonded warehouse or holder of a licence in D. 2 to run a Distillery.



L. 12 for the sale of medicated wine.	A Chemist or Druggist of good standing.
L. 15 for the bottling of Country Spirit.	The holder of a licence in form B.W.H. 2 to run an Excise bonded Warehouse or the holder of a licence in form D. 2 to run a Distillery.
L. 16 for the reduction of Country Spirit.	The holder of a licence in form B.W.H. 2 to run an Excise bonded Warehouse or the holder of a licence in form D. 2 to run a Distillery.
L. 19 for the vend of rectified Spirit.	A person holding a licence in form L. 12 or L. 17 or a chemist or a druggist of good standing.
L. 21 for the extension of hours.	A person holding a licence for the retail sale of Foreign Liquor/Beer or Country Spirit in forms L. 2, L. 10, L. 10-A, L. 10-B, L. 14 and L. 14-A in urban areas.

18. A list of all L. 1, L. 2, L. 10, L. 10-A, L. 10-B, L. 13, L. 14, L. 14-A and all other licences authorised to get supplies from the distilleries and the breweries shall be drawn up in each district by 15th April each year and supplied by the Excise Officer, Incharge of the district to the managers of the distilleries and breweries in Himachal Pradesh.

19. A licence in form L. 9 may be granted with the permission of the competent military authority or Indo-Tibetan Border Police authority for the sale of foreign liquor only in military or Indo-Tibetan Border Police Units. All canteens including unit-run military canteens or those run-regimentally on club lines shall be required to take out this licence.

20. A special licence in form L. 12-A may be granted for the retail vend of foreign liquor at a bar, when temporary arrangements for the sale of foreign liquor are required.

*Note:*—At private or public functions at which a paid contractor supplies liquor for which he is paid, he must take out a licence in the form L. 12-A, whether he is paid by each consumer or not. At private functions at which no paid contractor supplies liquor on payment, no licence is required. If a recognised club at such a function supplies liquor to non-members on payment by non-members, it occupies the position of a contractor and a licence must be taken out in form L. 12-A.

The maximum period of such licences will not, except with the special permission of the Excise Commissioner, exceed one month, *i.e.*, from the first day of the validity of the licence to the date immediately preceeding that date in the succeeding month. If a licence is granted for two or more days excluding an intervening day or days (*e.g.*, a Sunday), no fee shall be charged for the intervening day or days.

21. A licence in form L. 12-D shall be granted to Church Authorities only.

22. Except in the case of a distillery, the grant of L. 13 licences shall be subject to the following conditions:—

- (i) Only the holder of L. 14 licence in the vend sphere would be eligible to apply for the grant of L. 13 licence.
- (ii) The licensee, who takes major business of the Country Liquor in the vend sphere in terms of total amount in bids shall have to take one L. 13 licence, whereas other licensees (L. 14 vend-retailers) may be granted L. 13 licence, if the licensees apply for the same.
- (iii) The location of such wholesale vend shall be adjacent to the L. 14 vends premises of the same licence holder.
- (iv) The location of the L. 13 vend will be approved by the Collector (Excise) of the Zone concerned on the recommendations of the Excise Officer, Incharge of the District concerned and his own satisfaction.
- (v) Application for the grant of L. 13 licence will be submitted to the Excise Officer, Incharge of the District concerned immediately after the auction, who will forward the same, after recording his remarks/recommendations to the Collector (Excise) of the Zone concerned, who will grant licence subject to the approval of the Excise Commissioner.
- (vi) The holder of L. 13 licence will have to deposit or furnish security for Rs. 10,000/- in the shape of Bank draft or time deposit Receipt or National Savings Certificate duly pledged to the Excise Officer, Incharge of the District concerned.
- (vii) The payment of the licence fee shall be in the same manner as for auctioned L. 14 vends.
- (viii) In case of dispute regarding attachment/detachment of particular L. 14 vend with/ from L. 13 vend for the supply of Country Liquor, the decision of the Collector (Excise) of the Zone concerned shall be final.
- (ix) The L. 13 licensee shall be bound to give open delivery to the retailsale licensees of his vend sphere, if so desired by the retailsale licensees. The L. 13 licensee shall also be bound to make supplies of additional demand of Country liquor, if any.
- (x) In case the L. 13 licensee fails to make supplies of liquor both fixed and additional sanctioned, the Excise Commissioner will be at liberty to permit the retailer to take supplies of the liquor, either from any other L. 13 vend in Himachal Pradesh or direct from any of the Distilleries outside or inside the State, in which case the L. 13 licensees shall not be entitled to any compensation whatsoever. The Excise Commissioner may at his own discretion in any case allow supplies of liquor from any other source and no claim for compensation in this behalf will be entertained from L. 13 licensees.
- (xi) The L. 13 licensee shall be liable to pay such compensation to the retailsale licensees of his vend sphere as may be determined by the Collector (Excise) in the event of his failure to supply liquor to the retailsale licensees.
- (xii) The L. 13 licensees shall not be entitled to claim any compensation from the Government in case the retail licensees of his vend sphere do not lift the entire quota of liquor.

The Excise Officer, Incharge of the district shall report to the Financial Commissioner the names of the L. 13 licensees in the district, by 15th April, each year and a list will also be supplied by him to the managers of the distilleries in Himachal Pradesh.

23. A licence in form L. 14-B may be granted for the vend of Country Spirit on special occasions, subject to the following conditions:—

- (i) No special liquor licence shall be granted for any fair where such a licence has hitherto not been granted, or where having in the past been granted, it has now been discontinued. If a new fair is inaugurated the Collector shall not grant a special liquor licence without the approval of the Financial Commissioner.
- (ii) In the case of fairs for which the special liquor licences have hitherto been granted, the Collector may continue to grant such licences. He should, however, take cognizance of any bonafide movement favouring prohibition, and he may, without further sanction, decline to grant the special liquor licence if, on testing local opinion as provided in the Intoxicants Licence and Sale Orders, he is thoroughly satisfied that the discontinuance of such a licence would be a measure approved by the unquestioned voice of the local opinion, and that such local opinion is free from any suspicion or connivance at illicit distillation.
- (iii) Licence for recurring fairs of importance at which it is permissible under those rules to provide for the sale of country liquor should be included in the list of shops to be auctioned.

24. A licence in form L. 20-A to sell tari may be issued by the Collector in any locality if there is a demand for such licence.

25. (a) Licences in form L. 20-B for manufacture and retail vend of Country Fermented Liquor will be granted by auction or otherwise in the Districts of Kangra, Kullu and Mandi.

(b) The licenses in form L. 20-C and L. 20-D for the manufacture and possession of Country Fermented Liquor for home consumption and for use on special occasions, respectively, will be granted on application on payment of prescribed fee, in the following areas of Himachal Pradesh:—

- (i) Bharmaur Sub-tehsil of Chamba district;
- (ii) Whole of Kinnaur district;
- (iii) Dodra Kwar in Shimla district;
- (iv) Lakkar Mandi area in Chamba district for Dhogries only;
- (v) Whole area of Mandi district (Except Chachiot tehsil);
- (vi) Specified 42 villages of Tehsil Paonta and 70 Villages of Tehsil Renuka in Sirmaur district;
- (vii) Kothi-Kohar and Kothi Sawar and 17 specified villages of Baijnath in Palampur tehsil of Kangra district;
- (viii) District of Kullu and Tehsil Pangi of Chamba district.

(c) The licences in form L. 20-CC for manufacture of country liquor by distillation from fruits and grains for home consumption may be granted by the Collector concerned in Kinnaur and Lahaul districts, Dodra Kwar areas of Shimla district and Pangi tehsil of Chamba district subject to the condition that no such distillation shall be permitted from gur or molasses.

(d) The licences in form L. 20-C, L. 20-CC and L. 20-D mentioned above, will be issued by the Collector or any Excise Officer of the First Class authorised by the Collector.

#### C.—Fees:

26. The fees payable in respect of licences under these rules are of the following kind:—

- (a) fixed fees;
- (b) assessed fees;
- (c) fees fixed by auction or negotiation; and
- (d) tender fees.

**C(i).—Fixed fees:**

27. (a) The licences in form L. 1, L. 1-A, L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 6, L. 7, L. 8, L. 10-A, L. 10-B, L. 11, L. 12, L. 12-A, L. 12-B, L. 13, L. 15, L. 17, L. 19, L. 20-A, L. 20-C, L. 20-CC, and L. 20-D are granted on fixed fees.

(b) The fixed fees for licences in form L. 1, L. 1-A, L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 10-A, L. 10-B, L. 11, L. 12, L. 12-A, L. 12-B, L. 13, L. 17, L. 19, L. 20-C, L. 20-CC and L. 20-D are hereby prescribed as per the rates specified in Schedule 'A' appended to these Rules.

(c) The operative rates of fixed fee for licence in form L. 12-A shall be fixed by the Financial Commissioner subject to the limits prescribed against item 8 of Schedule 'A'. However, when L. 12-A licenses are required for entertainments which are to be a regular weekly feature or are to be given at more frequent intervals, the fee should be assessed progressively greater according to the frequency with which an entertainment is to be held. The Collector shall recommend fee for the approval of the Financial Commissioner. In making his recommendations the Collector shall take into consideration the retail prices of liquor and the quantity of liquor likely to be sold; should it not be possible in the case of new institution to estimate for sufficient period the quantity of liquor likely to be sold, then the Collector should submit his recommendation for a limited period only and report again after greater experience has been obtained.

(d) The fixed fees prescribed under sub-rule (b) of this rule for licence in form L-3, L-4, L-5, L. 3-A, L. 4-A, L. 5-A, L. 12-A, L. 12-B and L-17 are in addition to the assessed fee leviable under Rule 30.

(e) The fixed fee for licences in form L-6, L-7, L-8, L-15 and L-20-A shall be determined by the Financial Commissioner and for the licence in form L-21 the fixed fee shall be determined by the Collector, (Excise), while granting/renewing or extending the licence as the case may be. The fees will be so determined by the Financial Commissioner/Collector keeping in view the retail price of the liquor and the quantity likely to be sold.

28. A licence in form L. 12-D for manufacture and possession of sacramental wine for use on special occasions is granted free of fee.

29. A licence in form L-16 for the reduction of Country Spirit is granted free of fee.

**C(ii) Assessed fees:**

30. The licences in form L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L-6, L. 7, L-8, L. 9, L. 12-A, L. 12-B, L. 12-C and L. 17 are granted on assessed fee as prescribed in Schedule 'B' appended to these rules:

Provided that all licencees except in form L. 9 and L. 17 shall obtain their supplies from the L. 2 licencees in respective locality approved by the Collector of the Zone concerned for this purpose and in that case these licencees shall not be required to pay the assessed fee prescribed. However, if the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the district is satisfied about non-availability of the liquor required by these licencees from the L. 2 vends, permits/passes will be issued on payment of the prescribed assessed fee, for supplies to be made available to them from L. 1 licencees.

Provided further that the assessed fee recoverable in the form of permit fee from the licencees in form L. 17 shall be recovered at the specified rates at the time of issuing permit/pass. However, no such fee shall be recovered on the quantity of denatured spirit on which the same has been previously recovered in Himachal Pradesh.

*Explanation.*—The assessed fee prescribed in schedule 'B' shall be in addition to the fixed fees prescribed under Rule 27, wherever applicable.

#### **D—Mode of payment of fees:**

31. The persons required to pay the fixed fees prescribed in Rule 27 shall pay such fees when the relevant licence is granted but before such licence is issued except specifically provided otherwise. In cases of renewal or extension of the licences the licensee shall pay the fee at the time of making application in this behalf.

32. The persons required to pay the assessed fee prescribed in Rule 28 shall pay such fees at the time of applying for the issue of a permit or pass.

33. All payments on account of fees mentioned in Rule 27 and 28 shall be made into the Government Treasury under proper Head of Account, and in token of such payments the Treasury Receipts will be submitted to the competent authority.

#### **E—Special Powers of Financial Commissioner:**

34. (a) The Financial Commissioner reserves the right to grant all or any of the licences mentioned in rule 1, other than the licences granted on fixed fee, assessed fee or both, by auction or by negotiation or by private contract or by allotment or by calling tenders or by any other arrangement which he may consider expedient.

(b) The Financial Commissioner further reserves the right to change the mode of granting the licences mentioned in clause (a) of this rule, prior to the grant of such licences in a Financial year, and by an order in writing on record.

#### **F—Auction:**

35. Subject to Rule 34 of these rules, the following licences shall be granted on the fee fixed auction:—

- (i) A licence in form L. 2 for retail vend of foreign liquor to the public only and wholesale vend to licencees in form L. 3, L. 4, L. 4-A, L. 5 and L. 12-A, L. 12-B and L. 12-C.
- (ii) A licence in form L. 10 for retail vend of beer for consumption on and off the premises.
- (iii) A licence in form L. 14 for retail vend of Country Spirit for consumption on and off the premises.
- (iv) A licence in form L. 14-A retail vend of Country spirit for consumption off the premises.
- (v) A licence in form L. 14-A for retail vend of country spirit at a fair or on a special occasion.
- (vi) A licence in form L. 20-B for manufacture and retail vend of Country Fermented Liquor.

36. The following procedure is prescribed for the grant of licences by auction:—

(1) Subject to any direction made by the Excise Commissioner in this behalf, the Collector shall, each year before the annual auction determine:—

- (a) in respect of licences in form L. 2 and L. 10 the licence fee at which each vend may be reasonably licensed; and

(b) in respect of country liquor vends the quantum of quota in proof litres and bottles for the period for which licence is to be granted and on the basis thereof the minimum annual licence fee at which each vend may reasonably be licensed.

(2) The quota of country liquor in proof litres and bottles fixed for each vend of country liquor shall be announced by the Collector or any officer authorised by the Excise Commissioner hereinafter referred to as the Presiding Officer, before such vend is put to auction.

(3) Auctions shall be held by the Collector on the dates fixed by the Excise Commissioner:

Provided the Excise Commissioner may in his discretion authorise any other Gazetted Officer to hold such auction.

(4) The Collector will give timely notice of the date and place of the auction.

(5) (a) Before the auction begins, the Presiding Officer will read out the notice and conditions to which the auction shall be subject.

(b) He will then proceed to put up each vend to auction after carefully explaining its locality. The auction shall normally be of each vend separately but the Presiding Officer, may auction even more than one vend in a group keeping the exigencies of a particular situation and Government interest in view.

(6) No person may be allowed to bid unless he produces on demand by the Presiding Officer :—

(a) an Income Tax clearance certificate;

(b) a valid clearance certificate about the tax leviable under the Himachal Pradesh General Sales Tax Act, 1968/Central Sales Tax Act, 1956;

(c) a certificate that he is not a defaulter and has paid all the dues of excise revenue of Himachal Pradesh; and

(d) a certificate to the effect of description of property and value thereof in respect of their properties (moveable or immovable) from competent Revenue Authority, not below the rank of Tehsildar/Naib Tehsildar.

(7) The Presiding Officer may exclude any person from bidding if, on demand, he is not prepared to furnish at the time of auction two sureties having landed property in Himachal Pradesh.

(8) No person shall be allowed to bid for any licence who is not under rule 15 permitted to hold one or if he is associated in interest with a person not so permitted.

(9) No person shall be allowed to bid for another whether he is partner or not unless he holds a duly executed power of attorney enabling him in this behalf.

(10) No person shall be allowed to bid unless he has deposited a sum of Rs. 100/- in the Government treasury, or deposits that sum at the time of the auction with the Presiding Officer. In lieu of this deposit he shall be issued a receipt in form M. 24-A.

(11) No person whose name is on the list of persons debarred from holding licenses, for the sale of any intoxicant, in Punjab, Delhi, Haryana, Union Territory of Chandigarh, Uttar Pradesh or Himachal Pradesh or elsewhere shall be allowed to bid at an auction.

(12) The Presiding Officer may further exclude from bidding any person on account of his notorious bad character, or on account of being suspected of pooling or indulging in other activities prejudicial to Government revenue, or for any other sufficient reason to be recorded in writing.

(13) The Presiding Officer shall refuse to accept any bid by an excluded person, or any bid which he has reason to believe is made in the interest of any excluded person.

(14) The Presiding Officer may refuse any bid which he considers to be merely speculative or dictated by private enmity.

(15) The Presiding Officer may refuse to accept a bid from a partnership or firm when he has reason to believe that the partnership or firm has been set up only for a purpose of holding a particular licence or particular licences.

(16) The Presiding Officer shall record, the name of each person making a bid and the amount of the bid.

(17) Auction bids shall be in terms of money and where the bidding for any licence exceeds a figure of Rs. 1,000/-, each further bid shall be a multiple of Rs. 100/- and above Rs. 5,000/- each further bid shall be a multiple of Rs. 500/-.

(18) Bids of licence fee shall be received for the whole period for which the licence is to be granted. The Presiding Officer shall not be bound to accept the higher or any bid. When the highest bid is refused, the Presiding Officer shall record the reasons for accepting another bid.

(19) The Presiding Officer, if he is of the opinion that the bidding is excessively high, he may announce that if any higher bids are made, he will demand an immediate deposit of a whole or part amount of the bid money. If such an order has been passed, subsequent bids shall be deemed to have been made subject to the condition that the whole or part of the fee or bid money shall be immediately deposited. This deposit shall be counted towards the payment of the last instalment of the licence fee.

(20) The auctions may be post-poned by the Presiding Officer if he considers that the bids are sluggish as a result of suspected pooling. He may also postpone the auctions in respect of one or more vends, instead of postponing the entire auctions, if he considers that the bids in respect of those vends are not satisfactory. The auctions may also be postponed for any un-foreseen reasons to safeguard the Excise revenue. All postponements under this rule shall be made only in the interest of Excise revenue.

(21) If the lowest annual fee mentioned in clause (1) of this rule is not bid for any shop, the Collector may in his discretion accept a lower bid provisionally; but in forwarding the results of the auction to the Excise Commissioner under clause (24) of this rule, the Collector shall call special attention to the case of any vend or vends for which he has provisionally accepted a lower bid, and shall state in regard to each vend whether he recommends that the vend may be:—

- (a) closed either permanently or until a person willing to take it up at the minimum annual licence fee comes forward; or
- (b) carried on by a vendor who will work it for a commission on sales; or
- (c) resold at another auction; or
- (d) sold for the lower bid provisionally accepted.

(22) All sales are open to revision by the Financial Commissioner.

(23) At the conclusion of every auction the Collector or the Presiding Officer shall refund to all persons, whose bids have not been accepted, all deposits made by them.

(24) The Collector shall forward to the Financial Commissioner statements in forms M-14 and M-14-A, showing the locality of each shop sold, the probable sales during the year, the lowest fee determined under Clause (I) of this rule, the name of the persons to whom the shop has been sold, the amount for which it has been sold compared with that of the preceding year; and, in any case in which the shop has not been sold for the highest bid, a short statement of the reasons for rejecting it. If no intimation to the contrary is received within three weeks or by 31st March whichever is earlier, the Collector may assume that the Financial Commissioner has accepted his proposals.

(25) If a sale is set aside by the Financial Commissioner on revision or the same is not confirmed, the Financial Commissioner may himself or otherwise specifically direct the Collector to re-sell the licence by auction, or by private contract or negotiation or by tender; if the re-sale is by tender, these Rules shall apply as far as may be.

26. (i) Successful bidders shall deposit by way of security an amount equivalent to 15% of the annual license fee as under:—

- (a) 5% of the bid money in cash at the time of fall of the hammer;
- (b) 8.5% of the bid money into Government Treasury within 10 days of the auctions or 31st March, whichever is earlier; and
- (c) the remaining amount equivalent to 1.5% of the bid money before the commencement of the licence, in the shape of a Revenue deposit, or Bank Guarantees or F. D. R. as may be directed by the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District concerned.

(ii) Out of the above 15% amount of security, the deposits of 13.5% shall be adjusted against the instalments of license fee payable by the licensee. Thereafter the remaining amount of 1.5% security shall be released to the licensee after adjusting there from any kind of arrears due to the Government from him at the close of the financial year.

(iii) If any person whose bid had been accepted at the auctions, fails to make deposit of the amount of security or if he refuses to accept the licence, the licence may be resold by public auction or private contract or any other arrangement by the Collector and any deficiency in licence fee and all expenses of such resale or attempted resale shall be recoverable from the said person in the same manner as laid down in section 60 of the Punjab Excise Act (1 of 1914).

(iv) The successful bidder when granted a licence shall pay by the 15th of the month in which he begins his business under his license and by the 15th of every subsequent month the instalment equal to 1/10th of the license fee after adjusting the amount of security equivalent to 13.5% of the bid money, till the entire license fee has been realised. In the event of his failure to pay instalment or any part thereof by the due date, the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District, may authorise the licensee to deposit the amount of instalment or part thereof upto the 14th of the next month after charging interest at the rate of 15% per annum from the date of default of the payment of the licence fee i.e. from the 15th of the month onward till the default continued. The date of payment shall be included in the period for which the interest is to be charged.

If the licensee fails to deposit the instalment or instalment plus interest, as the case may be upto the 14th of the next month, the vend would cease to be in operation on the 15th of the following month. The Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District or any other officer authorised by him would ordinarily seal the vend on



the 15th day of the following month. This shall be in addition to the penalty provisions that may be brought into operation against the licensee under the Punjab Excise Act, 1914, and rules framed thereunder:

Provided that if the licence is issued for a period less than a year the whole amount shall be paid in such number of equated monthly instalments as is less by one from the number of months for which the licence is granted by ignoring a fraction of month, if any, in counting the number of months:

Provided further that if the licence is for a period of less than a month the whole of the licence fee shall be paid in lump-sum immediately after the bid is accepted.

(27) A licensee may at any time pay the whole amount of licence fee due from him, if he so desires. If the total amount of licence fee is less than Rs. 100, it shall be paid in lump-sum.

(28) If any person, whose bid has been accepted by the Presiding Officer at the auction, fails to make deposit of the amount of security due from him, or he refuses to accept the licence or is found to be suffering from any of the disabilities mentioned in the Intoxicants licence and Sale Orders, the Collector may resell the licence by public auction or private contract and any deficiency in licence fee and all expenses for such resale or attempted resale shall be recoverable from the defaulting bidder in the manner laid down in section 60 of the Punjab Excise Act, 1914.

(29) When a licence has been cancelled, the Collector or any Gazetted Officer authorised by him in this behalf may re-sell it by public auction or by private contract in accordance with the procedure laid down in this rule and any deficiency in the licence fee and all expenses of such resale or attempted resale shall be recoverable from the defaulting licensee in the manner laid down in section 60 of the Punjab Excise Act, 1914. The Collector shall communicate the result of such resale in a statement in Form M-16 to the Financial Commissioner in the same manner as annual auction results.

If the amount realised from the original licensee together with the amount bid by the incoming licensee is less than the amount previously bid by the original licensee, the deficiency together with the expenses, if any, of resale shall be recovered from the original licensee. If, however, these amounts together are more than the amount previously bid, no refund shall be allowed to the original licensee.

#### **G—General conditions applying to all licences:**

37. Every licence under these rules is granted subject to the conditions set forth in this rule.

*Exceptions.*—The following licences are only subject to the conditions (1) and (2) of these conditions, except in so far as is expressed in the special conditions prescribed for each:—

- L. 12-D—to manufacture and possess sacramental wine, L. 20-C to manufacture and possess country fermented liquor for home consumption, L. 20-CC to manufacture country liquor by distillation from fruits and grains for home consumption and L. 20-D to manufacture and possess country fermented liquor for use on special occasions.

#### **GENERAL**

(1) The licensee shall be bound to observe all rules under the Punjab Excise Act as applied to Himachal Pradesh as applicable to his licence and the general and special conditions of his licence.

## CONDITIONS DEALING WITH THE LICENSED PREMISES

(2) The licensee shall not carry on any business connected with his licence, or store any liquor to be sold or otherwise dealt with under his licence, except in the premises specified in his licence, hereinafter called the licensed premises.

The Collector may, however, with the previous sanction of the Financial Commissioner, grant in an exceptional case a permit under section 24 (3) of the Punjab Excise Act as applied to Himachal Pradesh to store a quantity of liquor exceeding the limit of the retail sale, at a place other than the licensed premises. This permission shall be granted on payment of an extra fee of Rs. 100/- per annum and only in cases where it is impossible and impracticable to stock liquor in the main licensed premises. Before the grant of such permission the Collector shall satisfy himself that the proposed place is adequately guarded and that there is no means of access to it by the public.

(3) When a licensee has more licences than one, sale or other business under each licence shall be on separate premises and liquor to be sold on each licence shall be stored separately and the accounts of each licence shall be kept distinct.

*Exceptions.*—(a) Sales under the licence in form L-5 to L. 8 may be carried on, on the licensed premises of a hotel, restaurant, railway refreshment room or dining car, as the case may be, and common stocks may also be kept, but separate accounts of sales under each licence and of the common stock of liquor shall be maintained.

(b) In any other case, the special permission of the Collector may be given and endorsed on the licence to sales being carried on on the same premises but unless the Financial Commissioner sanctions otherwise, stocks and accounts must be separate.

(4) Licensed premises shall be premises owned or leased by the licensee. It will be obligatory on the part of the licensees to get the licensed premises approved from the Collector before starting the shop.

(5) Where premises have been specially provided by the Government for any shop, the licensee shall be bound to carry on his business in those premises and to pay to Government in addition to his licence fee, such rent for the premises as may be fixed by the Collector.

(6) In the case of Dining Car Licences, the licensed premises are every dining car authorised by the Railway Administration and any other premises licensed for the purpose of storage only.

(7) The licensee shall keep his licensed premises thoroughly clean and shall comply with any order issued by the Collector for the removal of defects in them.

(8) The licensee shall not exhibit at the licensed premises, picture and photographs of Mahatma Gandhi, Pandit Jawahar Lal Nehru or of any person who is or who was President or the Prime Minister of India.

(9) (a) The licensee shall not display decorative lights at the licensed premises.

(b) The licensee shall not display liquor in glass windows at the licensed premises.

(c) The licensee shall display anti-drinking slogans or posters prominently as and when required by the Excise and Taxation Department.

(10) The licensee shall maintain on the main out door of the licensed premises a sign board of the size of 1.2 square meters, exhibiting in conspicuous painted letters:—

- (a) his name, class of licence held by him in Hindi or English or both; and
- (b) the words "use of alcohol is deleterious to health" in English or in Hindi" शराब पीना स्वास्थ्य के लिए हानिकारक है" or both.

### CONDITIONS DEALING WITH THE LICENSED SALE HOURS AND DRY DAYS

(11) The provisions of the Himachal Pradesh Shops and Commercial Establishments Act, 1969, will remain in-operative in the case of premises licensed under the Punjab Excise Act, as applied to Himachal Pradesh.

- (a) The licensee in forms L. 1, L. 1-A, L. 2, L. 10, L. 10-A, L. 10-B, L. 13, L. 14, L. 14-A and L. 20-B will observe following sale hours during the working days:—

Period	Licensed sale hours	
	Rural areas	Urban areas
From 1st April to 31st October	From 11 A.M. to 9 P.M.	From 11 A.M. to 10 P.M.
From 1st November to 31st March.	From 11 A.M. to 9 P.M.	From 11 A.M. to 9 P.M.

*Note.*—FOR ALL INTENTS AND PUUPOSES IN THESE TERMS AND CONDITIONS A RURAL AREA SHALL BE TAKEN TO MEAN AN AREA NOT INCLUDED WITHIN THE LIMITS OF MUNICIPAL CORPORATION, COMMITTEE, CANTONMENT BOARD, SMALL TOWN COMMITTEE AND NOTIFIED AREA COMMITTEE.

- (b) Hotel, Restaurant, Bar places of entertainment and club licensees (form L. 3, L. 4, L. 5, L. 3-A, L. 4-A, L. 5-A, L. 12-B and L. 12-C):—  
Between 1st April and 15th October: from 12.00 noon to 2.30 P.M. and from 7.00 P.M. to 11.00 P.M.  
Between 16th October and 31st March: from 12.00 noon to 2.30 P.M. and from 6.00 P.M. to 10 P.M.
- (c) Canteen licences in form L. 9: as ordered by Military or other concerned Authorities from time to time.
- (d) Other licences: As ordered by the authorities granting the license and endorsed on the license.
- (e) However, the licensed premises of all wholesale and retail vends of liquor shall remain closed on the following days:—

1. Independence Day (15th August).
2. Mahatma Gandhi's Birthday (2nd October).
3. The Republic Day (26th January).
4. Martyrdom Day (30th January).
5. The pay day i.e. 1st of each month.
6. A polling day and 2 days preceding the polling day.

### CONDITIONS RELATING TO CONDUCT OF BUSINESS

- (12) The licensee shall not give to any customer any free dolo of liquor nor shall he give any customer any perquisite on the price of liquor sold.

(13) The licensee shall not receive any wearing apparel or other effects in bartar for any intoxicant, the sale of which is covered by his licence.

(14) Any transaction of the nature of a gift or loan between the licensee and an Excise Officer is prohibited.

(15) The licensee shall not permit any professional entertainment or dancing, or the playing of musical instruments or singing to be carried on in his premises.

*Exception.*—This condition shall not apply to a Hotel or Restaurant licensed under forms L. 3, L. 3-A and L. 4, L. 4-A except in so far as it is imposed by the Collector by general or special order.

(16) Every licensee shall maintain the registers for the class of business carried on by him and on the expiry of his licence shall make them over to the Excise Officer-in-charge of the district or some other Excise Officer empowered by the latter in this behalf under a valid receipt. The licensee shall submit all prescribed returns punctually and maintain true accounts of transactions from day to day in ink. He shall enter all figures in English numerals and other particulars in English or Hindi characters, unless the Collector concerned, by special order noted on the licence, permits the use of other numerals or characters.

(17) The licensee shall maintain an inspection note-book with the pages numbered consecutively duly authenticated by the Excise Inspector and hand it over on demand to any Excise Officer of the First Class of the Excise Department on a receipt being given therefor. Any punishment, or warning incurred by the licensee without forfeiture or cancellation of his licence, shall be recorded in this book.

(18) The licensee shall at any time produce for inspection on demand by any Excise Officer of the First Class of Excise Department, his licence, accounts, registers and inspection note-book and shall allow the inspection of his registers, stocks and premises by the said officer.

(19) The licensee shall not permit the resort to his licensed premises of persons, whom there is reason to believe to be habitual criminals; he shall prevent gambling and disorderly conduct therein, and he shall give information to the nearest Magistrate or Police Officer of the resort to his licensed premises of any person suspected of having committed an offence, or of habitually committing offences, for which under the Criminal Procedure Code, warrants would ordinarily issue, and of every irregularity committed therein, tending to disturb the public peace; and he shall at all times for police purposes permit free access to the police, to all parts of his licensed premises.

### CONDITIONS RELATING TO THE SALE AND STORAGE OF LIQUOR

(20) The licensee shall not sell or store in his licensed premises for sale or other purposes:—

- (a) any class of liquor other than that permitted by his licence; and
- (b) liquor of any character or brand forbidden by the Financial Commissioner.

(21) The licensee shall not sell or keep on his licensed premises, any chloral hydrate, butyl-chloralhydrate or para aldehyde, any caramel, or colouring matter or any essence or material used for flavouring beverages, or any rectified spirit, unless he holds a licence under form L. 12, or L. 17 nor shall he mix any of the above substances with any liquor sold or stored by him.

*Note.*—This does not prevent the selling or keeping of the above substances by a chemist or druggist holding a licence.

(22) The licensee shall not compound, blend, colour, flavour or rectify any liquor sold or stored by him.

(23) The licensee shall not reduce any liquor to be sold by him or stored in his premises unless he holds a licence in form L. 16.

(24) The licensee shall not alter or tamper with the labels and capsules on bottles containing liquor purchased by him for sale.

(25) The licensee shall not adulterate or deteriorate any liquor to be sold by him, or sell the same knowing it to have been adulterated or deteriorated, or store or permit to be stored in his licensed premises any liquor in an adulterated or deteriorated state.

(26) No sale of liquor for consumption on the licensed premises shall be made by any measure other than standard stamped measure as approved by the Collector.

*Note.*—A peg will be construed to mean 60 millilitres while half a peg 30 millilitres.

(27) The licensee shall not allow any person to conduct sales in his behalf unless the name of such person has been previously submitted to the Collector for approval and endorsed on his licence.

*Exceptions.*—This condition does not apply to the licensee of a Hotel, Restaurant, Bar, Railway Refreshment Room or Dining Car or Chemist or Druggist holding a licence in form L. 12.

(28) Subject to the provisions of these rules, every licensee shall, in respect of any article which he is licensed to sell, meet the demand of every customer entitled to be served, who tenders payment for what is required by him and the licensee shall maintain a sufficient stock of all articles which he is licensed to sell to meet the probable demand. This rule does not compel a licensee to meet the demand of a customer even if accompanied by a tender of payment if the customer owes payment for articles previously sold under the licence on credit, in a case where a sale on credit is permissible.

(29) The licensed vendors shall at no time advertise sale of liquor by its exhibition to public or by announcing it on loudspeakers, by display of hoardings or advertisements or leaflets or in any other manner. The display of liquor bottles or their containers in the show-windows is also prohibited.

(30) All liquor licensees shall issue cash memos in respect of sales of various types of liquor made by them.

(31) (i) The licensees for the sale of bottled Indian made foreign liquor and country spirit shall sell liquor in bottles of the following sizes only:—

(a) reputed quart bottles of the capacity of 750 millilitres.

(b) reputed pint bottles of the capacity of 375 millilitres.

(c) reputed nip bottles of the capacity of 180 millilitres.

In the case of Indian made beer, cider and sweet wines the capacity of bottles shall be of 650 mls. and 300 mls:

• Provided that the licensee may store and sell imported foreign liquor, other than Indian made foreign liquor in bottles of less capacity, if they bear in conspicuous letters and figures the guaranteed quantity of its contents.

(ii) Unless otherwise specified, all the licencees under these rules shall sell bottled liquor of the following strength:—

(a) Indian made foreign spirit	.. 25 degree UP.
(b) Indian made beer	.. Not exceeding 5 per cent alcohol.
(c) Indian made sweets and wines	.. Not exceeding 30 per cent proof.
(d) Cider etc.	
(e) Country spirit:—	
(i) Ordinary spiced	.. 50 degree proof.
(ii) Special spiced	.. 60 degree proof.
(f) Country fermented liquor	.. Not prescribed:

Provided that the foreign liquor licencees shall not sell imported foreign liquor of a strength less than 25 degree under proof in the case of brandy, whisky or rum or of spirit intended to pass as brandy, whisky or rum or of a strength less than 35 degree, under proof, in the case of gin or of spirit intended to pass as gin.

(iii) The licencees shall not sell Indian made foreign liquor/spirit and country spirit at the rates below the minimum prices fixed by the Financial Commissioner from time to time.

### CONDITIONS RELATING TO THE DETERMINATION OF LICENCES

(32) If any person, who has held a licence under these rules, shall have in his possession on the expiry or determination from any other cause of his licence, any intoxicant which he is unable to dispose of, he shall at once surrender the same to the Collector. The Collector shall make such intoxicant over, in any quantity not exceeding that which the transferee is likely to sell within two months, to the incoming licensee or otherwise to any licensee within the district who is licensed to sell intoxicants of the kind surrendered, provided that if any such intoxicants be declared unfit for use, after chemical analysis, the Collector shall cause the same to be destroyed.

(33) A licensee to whom any intoxicant is made over in the preceding clause shall be bound to pay such price for the same as may be determined by the Collector, keeping in view the actual amount spent thereon or prevailing market price.

(34) The Collector shall tender the price so paid to the outgoing licensee by whom the intoxicant was surrendered after deducting therefrom any amount of fee, duty or penalty, if any recoverable from the licensee in respect of his licence, and such licensee shall not be entitled to any price, payment or compensation what-so-ever in respect of any intoxicant so made other than the sum so tendered to him by the Collector.

Provided further that in the case of increase in the rate of still-head duty realisable on stocks tendered by the outgoing licensee, irrespective of the fact whether such stock formed part of the minimum quota fixed for the vend or of the additional quota obtained by the outgoing licensee, shall be recoverable in the nature of fee from the incoming licensee.

(35) When a sole licensee dies and the Collector does not continue the licence to the representative of the licensee or other persons for the remainder of the period on the same conditions, the following rules shall apply:—

(a) Licences disposed of by auction:—

(i) If a successful bidder dies before he has paid more than Rs. 100/- under rule 36(10) his estate shall have no claim to the refund of that deposit, but it shall not be liable for any other payment.

- (ii) If a licensee dies after paying initial deposit of Rs. 100/- and his instalment of 13-1/2% of the total bid, or a part thereof and any other instalment that may have become due his estate shall forfeit the sum paid, including any instalment due and paid before the date of his death, but his estate shall not be liable for any other payment. If on the date of his death, the last date allowed for the payment of any instalment had expired, and the instalment had not been paid, his estate shall be liable for the payment of such instalment or instalments, whether the payment of these had been suspended by the competent authority or not.
- (iii) If before his death, the licensee had paid any instalment, the last date for the payment of which was more than one calendar month after the date of his death, his estate shall be entitled to a refund of any such instalment.
- (iv) In the event of a loss on resale, the estate of the deceased shall only be liable to the extent laid down above.
- (v) In the event of a gain on resale, the estate of the deceased shall not be entitled to any refund save as laid down above.

(b) Licences disposed of otherwise than by auction:—

- (i) If the fee is payable in a single payment, the estate of the deceased shall not be entitled to any refund of the fee paid and if payment has not been made, the estate shall be liable for the payment of the fee.
- (ii) If the fee is payable in instalments, the estate shall be entitled to a refund of any sums remaining out of the instalments paid after deducting one-twelfth of the total fee assessed for the year, for each month of the year, during which the licensee was alive, e.g.; if a licensee had to pay Rs. 1,200/- for the whole year pays Rs. 600/- in April, and dies on June 15th, his estate will be entitled to a refund of Rs. 300/-.
- (iii) If the licensee dies before he has paid any instalment, his instalment, his estate shall only be liable to the extent laid down above.

(36) If a licence becomes liable to cancellation under the Excise Act or the rules or orders made thereunder the competent authority may either (i) cancel the licence and make such arrangements as he may think fit for carrying on the business for which the licence was granted, and any fee paid or deposit made in respect thereof shall be forfeited to Government, but if any loss has to be made good, the deposit shall be taken into account for calculating the amount of that loss, or (ii) cancel the licence and resell it and recover in the manner laid down in section 60 of the Punjab Excise Act, 1914, any deficiency in price and all expenses of such resale, or (iii) permit the licensee to retain the licence on payment of such further fee as he may deem fit to accept.

(37) If a licensee commits breach of his licence, permit or pass, the Collector may forfeit the security deposited by the licensee without prejudice to any other action that the Collector may take under section 36 and 39 of the Act.

(38) On the revocation, cancellation or determination of any licence, the licensee or his representative shall cease to carry on his business under it, and shall return his licence to the Collector.

### CONDITIONS RELATING TO COMPENSATION

(39) No compensation shall be due for any closure made under section 54 of the Excise Act, as applied to Himachal Pradesh.

(40) No compensation shall be due to any licensee on account of the opening of a new shop or the issue of any licence, during the currency of his licence.

(41) No compensation shall be due on account of any change during the currency of a licence in the rate at which customs or excise duty is charged on liquor or in any other matter connected with the excise administration and dealt with under powers conferred by the Excise Act.

## H—SPECIAL CONDITIONS

38. The licences shown in this rule are granted subject to the special conditions noted under each in addition to the conditions laid down in rule 37.

(1) A licence in form L. 1 for the wholesale vend of foreign liquor to the trade only:—

- (a) The licensee shall sell foreign liquor, wholesale only to the persons holding a licence in form L. 1, L. 2, L. 3, L. 3-A, L. 4, L. 4-A, L. 5, L. 5-A, L. 6, L. 7, L. 8, L. 9, L. 10, L. 10-A, L. 10-B, L. 12, L. 12-A, L. 12-B or L. 12-C. or to a licensee in any State and he shall sell bottled liquor only in sealed and capsuled bottles.
- (b) If the licensee holds a licence in form B. 1 (Brewery Licence) or D. 2 (Distillery licence), no sale of less than 12 bottles of the capacity of 750 millilitres or 9 litres the case of liquor and 12 bottles of the capacity of 650 millilitres or 7.8 litres in the case of beer shall be permitted.
- (c) The licensee shall obtain supplies from any distillery, brewery, winery or warehouse within or outside Himachal Pradesh.

(1-A) A licence in form L. 1-A for storage of foreign liquor in bond combined with wholesale and retail vend of foreign liquor to the trade only:—

- (a) This licence shall carry security of Rs. 15,000 in cash or in the form of fixed deposit duly pledged to the Financial Commissioner.
- (b) This licence shall be governed by the Distillery Rules, as applied from time to time so far as the matters not covered in the Liquor Licence Rules are concerned.
- (c) The licensee shall sell foreign liquor, wholesale or retail, bottled or otherwise, only to persons holding a licence in form L. 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 12-A, 12-B or 12-C or to a licensee in any State, and he shall not sell unbottled liquor to any retail vendor, who is not licensed to sell for consumption on his premises and he shall sell bottled liquor in sealed and capsuled bottles.
- (d) (i) All issues of foreign liquor from the premises of the licensee to the licensed vendors in Himachal Pradesh shall be made after depositing duty on them in the Government Treasury/Sub-Treasury, by the licensee himself.
- (ii) In the case of any licence in form L. 1-A combined with the license in form L. 11, all issues of foreign liquor to the licensed vendors outside Himachal Pradesh shall be made only against pre-duty paid import/transport permits of the importing State.
- (e) The licensee shall abide by the provisions of the Punjab Excise Act (1 of 1914) and the rules framed thereunder, with all amendments already made or to be made in future from time to time. He shall also abide by all the directions of the Financial Commissioner, Himachal Pradesh, issued to him in connection with functioning of his licence in the same manner.



(2) A licence in form L. 2 for retail vend of foreign liquor to the public only and wholesale vend to licencees in form L. 3, L. 3-A, L. 4, L. 4-A, L. 5, L. 5-A and L. 12-A, L. 12-B and L. 12-C:—

- (a) The licensee shall not sell liquor for consumption 'on' the premises.
- (b) He shall sell bottled liquor only duly sealed and capused.
- (c) The licensee shall obtain his supplies of liquor from any L. 1 and S. 1 vend in Himachal Pradesh out of duty paid stocks.

(3) A licence in form L. 3 and L. 3-A for retail vend of foreign liquor and beer respectively in a Hotel or Dak in-bangalow:—

- (a) The licensee shall sell foreign liquor retail for consumption "on" the premises only to residents in his hotel or dak-bangalow and in the case of a dak-bangalow only to the other persons taking their meals there.
- (b) The licensee shall not set up or maintain on his licensed premises any bar without taking out a separate bar licence.
- (c) The licensee in form L. 3-A shall not keep any quantity of "hard liquor" in any case at the vend premises nor shall he allow consumption of hard liquor on the premises by anyone.
- (d) The licence in form L. 3-A shall not be run on premises used as hotels and/or restaurants or at places providing canteens.
- (e) The licensee shall obtain his supplies of liquor from any L. 2 vend in Himachal Pradesh out of duty pre-paid stocks. However, Collector may allow the supplies from L. 1 vend also subject to payment of assessed fee prescribed under the rules.
- (f) The strength of liquor stored or sold shall be the same as prescribed.

(4) A licence in form L. 4 for the retail vend of foreign liquor in a restaurant:—

- (a) The licensee shall sell foreign liquor retail for consumption "on" the premises only to the persons taking meals in the licensed premises.
- (b) The conditions (b), (e) and (f) for licence in form L. 3 will apply mutatis mutandis.

(5) A licence in form L. 4-A for the retail vend of beer only in a restaurant for "on" consumption:—

- (a) The licensee shall sell beer in retail for consumption on the premises only to persons taking meals in the licensed premises.
- (b) The licensee shall not set up or maintain on his licensed premises any bar without taking out a separate bar licence.
- (c) The licensee shall not keep any quantity of "hard liquor" in any case at the vend premises.

(6) Supplementary licence in form L. 5 to the licensee of a restaurant to keep a bar for the retail vend of foreign liquor:—

- (a) The licensee shall only sell foreign liquor retail for consumption "on" the premises by peg measure at a bar or on other parts of the premises specially prescribed in the licence. In the case of beer the sale will be by glass or opened bottles. Such bottles must on no account be removed by customers from the premises.
- (b) The conditions regarding supply and strength of liquor shall be the same as prescribed for L. 3 licensee.

(7) A licence in form L. 5-A for the retail vend of beer in a bar :—

- (a) The licensee shall sell beer in retail for consumption on the premises by glass or by opened bottles at a bar or another part of the premises specially prescribed in the licence. Such bottles must on no account be removed by customers from the premises.
- (b) The licensee shall not keep and/or serve any quantity of "hard liquor" in any case at the vend premises.

(8) A license in form L. 6 for the retail vend of foreign liquor in a railway refreshment room for "on" consumption :—

- (a) The licensee shall only sell foreign liquor retail for consumption on the premises to *bonafide* passengers and other persons served with catables there, premises meaning within the limits of the railway station.
- (b) The licensee shall not sell liquor to persons employed on railway service, except under rules issued by the railway administration.
- (c) The conditions regarding strength of liquor shall be the same as prescribed for L. 3 licences.

(9) A licence in form L. 7 for the retail vend of foreign liquor in a railway dining car :—

- (a) The licensee is authorised to sell foreign liquor retail for consumption on a dining car attached to a railway train running in Himachal Pradesh. He shall sell only :—
  - (i) to passengers by that train;
  - (i) under rules issued by the railway administration to persons employed in railway service.
- (b) The supply of liquor may be obtained by the licensees from any L. 1 licensee in Himachal Pradesh or from any other source with the special permission of the Collector.

(10) A supplementary licence in form L. 8 to the licensee of a hotel, restaurant, railway dining car, or railway refreshment room to sell foreign liquor retail for consumption "off" the premises. The licensee shall be bound by all the conditions of his substantive licence.

(11) A licence in form L. 9 for the retail vend of foreign liquor in military or Indo-Tibetan Border Police canteens whether run regimentally or on club lines in licensed premises approved by the competent military or Indo Tibetan Border Police authority :—

- (a) The licensee shall not sell liquor, except such liquor as he may be permitted under contract to sell.
- (b) Notwithstanding anything in rule 37(2), the licensee may establish separate places of vend without taking out separate licences in cases where a portion of unit is detached for training and other purposes or is left behind.
- (c) The licensee shall not sell liquor of any description to persons other than those attached to the regiment for which this licence is granted or duly authorized by the competent military, Indo-Tibetan Border Police authority to use such canteen.
- (d) Notwithstanding anything in these rules the licensee may store and sell spirit diluted with mineral water with the permission of the competent military, or Indo-Tibetan Border Police authority.

(12) A licence in form L. 10 for the retail vend of beer for either "on and off" or "off" consumption:—

- (a) The licensee shall keep at all times a sufficient stock of bottled and unbottled beer available for his customers.
- (b) The price of unbottled beer sold under his licence shall not exceed specific price per glass, if so ordered by the Excise Commissioner.

*Note.*—Unless orders are received by November 30, the Collector may presume that no price will be fixed.

- (c) The licensee shall prominently display in front of his shop a signboard showing clearly in English or Hindi the maximum price per glass fixed under condition (b) above.
- (d) The licensee shall only sell beer on credit to persons authorised by the Collector.
- (e) This licence shall not be run on premises used as hotels and/or restaurants or at places providing eatables.

(13) A licence in form L. 10-A for retail vend of beer for consumption "on and off" the premises in the premises of L. 14 vend of country liquor:—

- (a) The licence shall be given only to the L. 14 licensees.
- (b) The premises will be the same on which L. 14 vend is located.
- (c) The licensee shall maintain separate accounts of sale of beer and country spirit.
- (d) Other conditions of L. 10 licence will apply *mutatis-mutandis*.

(14) A licence in form L. 10-B for retail vend of beer for consumption "off" the premises of L. 14-A vend of country liquor:—

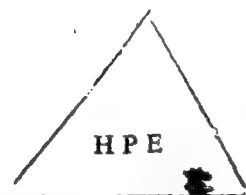
- (a) The licence shall be given only to L. 14-A licensees and will have the same premises as approved for L. 14-A.
- (b) No beer shall be sold for consumption "on" the premises.
- (c) Other conditions of licence in form L. 10 will apply *mutatis-mutandis*.

(15) A licence in form L. 11 for bottling of foreign liquor:—

- (a) The licensee is authorised to bottle foreign liquor only whether manufactured in India or imported.
- (b) Only foreign liquor shall be kept on the premises.
- (c) The licensee shall not bottle any foreign liquor of a strength other than 25 degree UP, for sale in Himachal Pradesh.
- (d) All foreign liquor bottled for export to other States shall bear the prescription on the label affixed on its bottles with the words conspicuously underlined "Not for sale in Himachal Pradesh."
- (e) The bottling shall be carried out only at the premises named in the licence.
- (f) The licensee shall enter in a stock book in form L. 24 the quantity, description and strength of any spirit received on his licensed premises and shall at the end of the each month, prepare and submit to the Excise Inspector, a monthly true abstract of his bottling operations in form M. 69. This stock book shall be accessible to the Officer Incharge or any other Inspecting Officer at all reasonable hours and shall be kept unless allowed to be destroyed.

## (g) Specifications of bottles:—

- (i) Indian made foreign spirit shall be bottled in bottles of the following sizes:—
- (a) bottle of the capacity of 750 millilitres;
  - (b) bottle of the capacity of 375 millilitres;
  - (c) bottle of the capacity of 180 millilitres;
- (ii) The bottles mentioned above shall be of standard pattern and shall bear the following specifications moulded on the glass:—
- (a) The words "H.P. Excise" and the figures and words "750 millilitres" "375 millilitres" or "180 millilitres", as the case may be or shall have a monogram moulded or sand blasted on them consisting of the letters 'HPE' and the figures and letter '750 millilitres', '375 millilitres' and '180 millilitres' in a triangle, e.g.;



(b) the name or mark of the manufacturer of the bottles.

(iii) No licensee shall be permitted to use for bottling Indian made foreign spirit any bottles bearing the name or trade of any other bottler.

(h) (i) Notwithstanding anything contained in clause (g) the Excise Commissioner may, in case of emergency only, permit for the bottling of Indian made foreign liquor, the use of sand-blasted non-excite plain bottles without the name and mark of the manufacturer of the bottles provided the prescriptions of sub-clause (ii) (a) of clause (g) are shown distinctly on the labels affixed to it.

(ii) The period for which permission under the preceding clause is given shall not exceed 3 months at one time.

(i) (i) All bottles containing Indian made foreign spirit shall unless otherwise allowed by the Excise Commissioner be securely sealed with pilfer proof seals in such a way as to make it impossible to remove the seal without its being cut and/or broken.

(ii) The seals to be used on various kinds of liquor shall be of standard sizes and bear on top thereof, the words "H. P. Excise" together with the name of the bottler, the district in which he has a licence, printed in cut-out letterings, provided that any other additional printing may be ordered to be done, if so desired by the licensee at the sides only.

(iii) Before bringing any kind of pilfer-proof seal into use, the licensee shall submit samples thereof to the Financial Commissioner for approval. The licensee shall comply with such instructions as the Financial Commissioner may from time to time issue regarding any seal. The licensee shall, however, have his choice in respect of the colour of seals for different varieties of liquor, but their design shall invariably correspond with the pattern approved by the Financial Commissioner.

(j) Bottling of Indian made foreign spirit:—

The licensee shall give timely information to the Excise Officer Incharge, of the days and hours during which bottling is to be done.

Bottling will be allowed only during working hours from 10 a.m. to 5 p.m.

If the licensee has reduced the strength of spirit by dilution, he shall not bottle the spirit until 12 hours after reduction, unless arrangements approved by the Excise Commissioner have been made to cool the spirit and to prevent shrinkage after bottling.

(k) Labels to be used in the bottles of Indian made foreign spirit;

(i) The licensee may affix to his bottles any label or labels but he shall not show on any label affixed to the bottles filled by him any announcement that the spirit has been distilled at any particular distillery, nor shall any such announcement be made on the capsules or on the paper wrapper of the bottle.

(ii) The name of the licensed bottler and the place of bottling must appear in full in English on all the labels.

(iii) Before bringing any labels into use the licensee shall submit exact copies of them, in triplicate, to the Excise Officer Incharge of the premises who shall forward two copies to the Collector for transmission to the Excise Commissioner for his approval. The licensee shall comply with such instructions as the Excise Commissioner may issue regarding any label and shall deposit in the Excise Commissioner's office an exact copy of each label that has been approved.

(iv) No label shall be accepted if the design is of an objectionable nature or conveys the impression that the label is intended to be imitation of labels used on imported spirit.

(v) Labels on the bottles shall be so affixed as to be easily distinguishable. No label shall be pasted over the words letters, figures or monogram moulded or sand-balasted thereon.

(vi) The labels used on the bottles filled with Indian made foreign spirit shall bear the name of month and year of bottling, either in printed form or rubber stamp.

(vii) All these conditions will apply to cartons or wrappers of bottled liquor.

(16) A licence in form L.12 permitting the sale of medicated wines,—

- (a) The licensee shall not sell under this licence any wine except the wines which are classified as medicated wines and assessed under item 22 (5) (b) of the Indian Customs Tariff provided they do not contain more than 42 per cent of proof spirit.
- (b) The licensee shall not sell any article covered by his licence except for medicinal purposes.
- (c) The licensee shall not sell to any one person at any one time any article covered by this licence in greater quantity than 9 litres or 12 bottles of the capacity of 750 millilitres each, provided that sales in larger quantities may be made to persons holding a chemist's licence and to Government or charitable dispensaries.
- (d) Except upon the order of a qualified medical practitioner, the licensee shall not knowingly sell or supply any article covered by his licence for consumption by a minor or person of unsound mind.

*Note.*—No licence shall be required for the sale of any medicated wine containing less than 26 per cent of the proof spirit.

(17) Temporary and permanent licenses in forms L.12-A and L.12-B for retail vend of liquor at a bar:—

- (a) The licensee is authorised to sell foreign liquor retail for consumption at a bar or other parts of, the premises specifically prescribed in the licence. Sales of liquor shall be made in glasses or by opened bottles only. Such bottles must on no account be removed by customers from the premises. In theatres, cinemas and such places of entertainment liquor shall be sold only to spectators who have purchased tickets or to *bona fide* servants or employees of the licensee or of his lessee. No liquor shall be sold to students or minors.
- (b) No person shall be permitted to reside in the bar.

(18) Licences in form L.12.C for retail vend of foreign liquor at a club of:—

- (a) The licensee shall be authorised to sell foreign liquor by retail for consumption at a club to its members only, but he shall not sell liquor to students of all ages and other persons below 25 years of age even if they are members of the club. Sale of liquor shall be made in glasses or by open bottles only. Such bottles will, on no account, be removed by the members from the premises.
- (b) The licensee shall provide for service of drinks in bar room only; but, however, may be permitted to be served anywhere within the precincts of the club.

(19) A licence in form L.12-D for manufacture and possession of sacramental wine for use on special occasions:—

- (a) The licensee is authorised to manufacture sacramental wine for use on special occasions connected with Catholic Worship for the Sacrifice of the Mass. He shall not have in his possession, for use on such an occasion more than 9 litres of sacramental wine.
- (b) Such sacramental wine shall be prepared from pure, dried grapes by a process of fermentation only. No alcohol or any other ingredient shall be added in its preparation, nor shall the process of distillation be allowed in the manufacture thereof.
- (c) Sacramental Wine prepared under the licence shall be used on the special occasions connected with Catholic Worship for the Sacrifice of the Mass.

(20) A licence in form L.13 for the wholesale vend of country spirit.—

- (a) The licensee shall function as stockist for the retail vendors of the vend sphere in which he holds a licence subject to the directions issued by the Excise Commissioner from time to time regulating the supplies from different sources; the licensee may obtain supplies of country liquor from the source so authorised by the Excise Commissioner.
- (b) The licensee shall sell country liquor to the retailers at a price as fixed by the Excise Commissioner from time to time.
- (c) The licensee shall obtain his spirit for sale only at a strength of 50 degree proof except that 10 per cent of the annual quota of country liquor will be permitted as special spiced country liquor of 60 degree proof subject to demand.
- (d) The licensee shall keep an adequate stock of all brands of country liquor in quarts, pints and nips of standard sizes viz. 750 mls., 375 mls. 180 mls., to meet at least one month's demand of retail sale licences of country liquor of his vend's sphere.
- (e) The licensee shall not alter or compound spirit, and that he shall not introduce into his licensed premises or use or sell any rectified spirit.
- (f) The licensee shall not sell or expose for sale country spirit in bottles bearing such figures, words or marks as are reasonably calculated to lead any one to believe that such spirit is other than country spirit.
- (g) The licensee shall sell country liquor of the kinds authorised by the Excise Commissioner to a person holding a licence in form L.13, L.14, or L.14-A or L. 14-B.
- (h) On making any sale under his licence the licensee shall apply to the Collector or other officer empowered that behalf to prepare a pass in the prescribed form to cover the transport of the spirit to its place of destination and shall not despatch any spirit till a pass covering such transport has been duly issued.
- (i) In case of dispute regarding attachment/detachment of particular L.14 vend with/from L.13 vend for the supply of country liquor, the decision of the Collector (Excise) of the Zone concerned shall be final.
- (j) The licensee shall issue in respect of each transactions of sale a cash memorandum in the following form and shall preserve a carbon copy of such cash memorandum till the close of the financial year in which it is issued:—

"CASH MEMORANDUM

Serial No.....Dated.....name and address of the licensee with the name of vend.

L.13 Licence No.

No. of licence,

Name and address of the licensee to whom the liquor is sold.

Particulars of liquor.

Quantity (Quarts, Pints, Nips.) Sale Price.

Signature of the Licensee/Approved agent."

(k) Other conditions mentioned in rule 22 of these rules shall apply in addition to the above conditions.

(21) Licence in form L.14 for the retail vend of country spirit for "on" and "off" consumption;—

- (a) The licensee shall, unless otherwise permitted by the Excise Commissioner or Collector obtain the requirement of country spirit from a person licensed to sell country spirit by wholesale in the District concerned to which his vend is attached.
- (b) The licensee shall sell country spirit in sealed bottles of standard size viz. 750 mls., 375 mls., 180 mls. duly labelled and capsuled as issued from wholesale vend for sale for consumption "off" the premises. In the case of consumption "on" the premises the sale will be by duly stamped peg measures of 60 mls. and 30 mls.
- (c) The country spirit to be sold on this vend shall be of the same strength as prescribed for L.13 licensees in Rules 37 (31) (ii) (e).
- (d) The limit of retailsale and private possession of country liquor shall be two bottles of the capacity of 750 mls.
- (e) The licensee shall keep the liquor shop properly stocked with all brands and sizes of bottles at all time to meet the demands of the public at least for one month even if the licensee is required to lift monthly proportionate quota after paying licence fee instalments of the corresponding month. The licensee will be entitled to sell annual quota of country spirit allocated for the vend by the Collector. Supplementary quota of country liquor may be sanctioned by the Excise Commissioner in his discretion with or without additional licence fee.
- (f) A licensee holding a licence in form L.14 may transfer any part of the quota of country liquor of his vend to any other vend for retail sale of country liquor during the currency of the period of his licence, with prior permission of the Collector.

*Explanation.*—This rule allowing transfer of quota is not to be construed as conferring a right on licensee but only a concession or a facility and the refusal of the Collector to allow transfer will not in any way affect the liability of the licensee either to pay the entire licence fee due from him or any other liability under the Punjab Excise Act, 1914 and the rules made thereunder.

- (g) The monthly quota of country liquor shall be issued to the licensees proportionately. In no case advance quota should be issued without payment of licence fee for the corresponding month.
- (h) The licensee shall not sell or expose for sale country spirit in bottles of such shape or colour or bearing such figures words or marks as are reasonably calculated to lead persons to believe that such spirit is other than country spirit.
- (i) The licensee shall not sell more than two reputed quart bottles of spirit to any person at one time provided that he may sell to any person at one time any quantity of country spirit covered by a permit issued by an authorised officer provided that any sale

made by a licensee under such a general or special permit shall be specially registered by him.

- (j) The licensee shall sell country spirit at such rates as may be fixed from time to time by the Excise Commissioner, Himachal Pradesh.
- (k) No country spirit shall be sold for consumption off the premises in a cantonment, except under a pass, unless this condition is dispensed with by the Military authorities.
- (l) The licence shall not be run on premises used as hotels and/or restaurants or at places providing eatables.
- (m) The licensee shall in addition to keeping drinking vessels for the use of customers, keep for their use a supply of pure drinking water.

(22) Licence in form L.14-A for the retail vend of country spirit for consumption off the premises and license in form L. 14-B for retail vend of country spirit on special occasion :—

- (a) The licensee shall sell spiced and special spiced country spirit only in sealed bottles for consumption off the premises.
- (b) All other conditions prescribed for licence in Form L.14, except condition (m) above, will apply *mutatis-mutandis*.

(23) A licence in form L.15 for the bottling of country spirit—Except the following, special conditions relating to the bottling of Indian made foreign spirit under L.11 and bottling of country spirit as in the Distillery Rules, shall apply *mutatis mutandis* to the bottling of country spirit under Licence L.15:—

The licensee is authorised to bottle country spirit only which includes spiced and special spiced country spirit only at the strength of 50 degree and 60 degree proof, respectively.

(24) A licence in form L.16 to reduce country spirit:—

- (a) The licensee is authorised to reduce by the addition of water spirit of an original strength not exceeding 60 degrees over-proof to the strength prescribed for retail sale.
- (b) The reduction must be done in a special empty receptacle. Water used for reduction must be pure and the licensee must comply with the directions of the Collector regarding the water supply.
- (c) Timely intimation must be given to the Excise Officer when reduction is to be done.

(25) A licence in form L.17 for the vend of denatured spirit:—

- (a) The licensee shall not without the special sanction of the Financial Commissioner, have in his possession at any one time denatured spirits in a quantity in excess of 1000/2000 litres as specified in his licence.
- (b) The licensee may sell in retailsale not more than one quart bottle for domestic use and six quart bottles of 650 mls. for industrial purpose at one time.
- (c) The licensee before selling any denatured spirits by retail shall use all reasonable diligence to ascertain the quantity already in purchaser's possession and shall not at one time sell to him more than one quart bottle of 650 mls. i.e. the quantity permitted for retail sale, for such smaller quantity, as, together with what is, believed to be in good faith to be in the buyer's possessions, will amount to the maximum quantity of retail sale.
- (d) The licensee shall not sell denatured spirit of a strength less than 50 degrees over proof.
- (e) The licensee shall in accordance as he may be permitted by the Financial Commissioner, obtain supplies from one or more of the sources and subject to the condition, if any, imposed by him, procure his supplies of denatured spirit either from a bonded warehouse set up or approved by the Government, or by direct importation from



overseas or, by purchase from other vendors licensed to sell denatured spirit, or by removal from licensed distilleries after obtaining the permit and pass required under the rules applicable to such removals.

- (f) The licensee shall not mix denatured spirits with other spirits.
- (g) The licensee shall conspicuously exhibit a sign board at his place of vend bearing his name and the words "licensed vendor of denatured spirit."
- (h) The licensee, shall sell denatured spirit wholesale and retailsale, at such rates as may from time to time be fixed by the Financial Commissioner. Such rates will be conspicuously exhibited at the vend.
- (i) All bottles, jars, drums, or casks containing denatured spirit, shall bear a label, printed in red and containing skull and cross bones, with a warning 'not to be-taken internally' in Hindi and English. The word 'wine' must in no circumstances appear on such labels. Before bringing any labels into use, the licensee shall submit exact copies thereof in triplicate, to the Excise and Taxation Officer, who shall forward them to the Collector for his approval. The Collector shall return two copies to the Excise and Taxation Officer. The licensee shall comply with such instructions as the Financial Commissioner/Collector may issue regarding any label.
- (j) The licensee shall keep separate accounts of sales by wholesale or by retail in form L.31 and shall at the end of each month prepare and submit to the Excise Inspector a monthly true abstract of receipts and sales in form M.71.

(26) A licence in form L.19 for the vend of rectified spirit for medicinal, industrial and scientific purposes—

- (a) Rectified spirit sold under this licence shall be of a strength not less than 60 degree over-proof and neither water nor any substance whatsoever, shall be added to it by the licensee. The licensee shall, in accordance as he may be permitted by the Financial Commissioner, obtain supplies from one or more of the sources and subject to the conditions, if any, imposed by him, obtain supplies of rectified spirit from a bonded warehouse, set up or approved by Government or from any licensed distillery in Himachal Pradesh, Punjab, U.P. or Haryana so authorised by the Financial Commissioner.
- (b) The licensee shall not have in his possession at any one time a quantity exceeding 45 litres, or such larger quantity as the Financial Commissioner may specially authorise.
- (c) The licensee shall sell rectified spirit for medicinal, industrial and scientific purposes only.
- (d) The licensee shall not sell in any one transaction more than the quantity which the purchaser is permitted to possess.
- (e) The licensee shall label every receptacle containing rectified spirit conspicuously showing the nature and place of manufacture of its contents.
- (f) The licensee shall maintain separate accounts of sales by wholesale and retail in form L.31 and shall at the end of each month prepare and submit to Excise Inspector a monthly true abstract of receipts and sales in form M.71.

(27) A licence in form L.20-A for the vend of tari:—The licensee shall observe all such conditions as the Financial Commissioner may determine when a license for the vend of tari is granted. The licensee shall, however, make his own arrangements with the owners of palm trees for the supply of tari.

(28) A licence for the retail vend of country fermented liquor in form L.20-B:—(a) A licensee is authorised to manufacture country fermented liquor for sale on the licensed premises. He shall not sell country fermented liquor prepared elsewhere.

(b) Such country fermented liquor shall be prepared from grains only, no gur or molasses made from sugarcane shall be used in its preparation.

(c) The licensee is authorised to sell country fermented liquor for a consumption on or off the premises.

(d) The licensee shall keep the stock of country fermented liquor in a room set apart for the purpose. ...]

(29) A licence in form L-20-C for manufacture and possession of country fermented liquor for home consumption:—

- (a) The country fermented liquor prepared under L-20-C shall be for domestic use only and shall not be transferred or sold elsewhere.
- (b) The licensee shall not have in his possession at any one time for use by him for home consumption more than 24 quarts of 750 mls. each of country fermented liquor.
- (c) Such country fermented liquor shall be prepared from grain only. No gur or molasses made from sugarcane shall be used in its preparation.
- (d) The licence shall be issued by the Collector or any Excise Officer of First Class authorised by the Collector.

(30) A licence in form L-20-CC for manufacture of country liquor for distillation from fruits and grains for home consumption:—

These licences will be granted by the Collector or any Excise Officer of First Class authorised by him in Kinnaur and Lahaul Spiti Districts and Dodra Kwar areas of Shimla district on payment of Rs. 25/- and free of license fee in Pangti Tehsil of Chamba district, per year, subject to the conditions that no such distillation shall be permitted from "Gur or Molasses."

(31) A licence in form L-20-D for the manufacture and possession of country fermented liquor for use on special occasions:—

- (a) The licensee is authorised to manufacture country fermented liquor for use on special occasions such as a marriage, festival or a caste gathering. He shall not have in his possession for use on such a special occasion more than 24 quarts each of 750 Mls. of country fermented liquor.
- (b) Such country fermented liquor shall be prepared from grains only. No gur or molasses made from sugarcane be used in its preparation.
- (c) Country fermented liquor prepared under this licence shall be for domestic use only, and shall not be transferred or sold elsewhere.

#### I—Registers of accounts and returns.

39.—Except in cases where it has been otherwise or provided, all the licensees shall maintain accounts of receipts and sales in the forms mentioned below and shall at the end of each month prepare and submit to the Excise Inspector a monthly true abstract (i.e. return) of receipts and sales by the 7th of the following month under the forms prescribed hereunder.—

- (a) The licensees holding licences in form L.1, L.1-A and L.2 shall maintain accounts in Form L.22 and submit returns in form M-66.
- (b) The licensees holding licenses in form L.3, L.3—A, L.4, L.4-A, L.5, L.5-A, L.6, L.7, L.8, L.9, L.10, L.10-A, L.10-B, L.12-A, L.12-B and L.12-C shall maintain accounts in form L.23 and submit returns in form M.66.
- (c) A licensee holding licence in form L.11 shall maintain accounts in form L.24 and submit return in Form M. 69.
- (d) A licensee holding licence in form L.12 shall maintain accounts in form L.29 and submit return in form M. 72.
- (e) A licensee holding licence in form L.13 shall maintain accounts in form L.25 and submit return in form M. 67.

- (f) The licensees holding licences in form L.14, L.14-A and L.14-B shall maintain accounts in form L.26 and submit returns in form M.68.
- (g) A licensee holding licence in form L.15 shall maintain accounts in form L.28 and submit return in form M. 69.
- (h) A licensee holding licence in form L.19 shall maintain accounts in form L.30 and submit return in form M. 70.
- (i) The licensees holding licences in form L. 17 and L.29 shall maintain accounts in form L.31 and submit returns in form M. 71.
- (j) A licensee holding licence in form L.20-B shall maintain accounts in form L.27 and submit return through an ordinary statement.
- (k) No forms of accounts and returns are, however, prescribed in respect of licensees holding licences in form L.12-D, L.20-A, L. 20-C and L.20-CC and L.2 0-D.

#### J.—Repeals and Saving.

40. (1) The Punjab Liquor Licence Rules, 1932, as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966, as amended from time to time and the Punjab Liquor Licence Rules, 1956, as in force in the territories transferred to Himachal Pradesh under Section 5 of the Punjab Re-organisation Act, 1966, and further as amended from time to time, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken including any orders, notifications issued under the repealed rules shall to the extent of being consistent with the provisions of these rules, be deemed to have been done or taken under the provisions of these rules.

HEM CHAND,

*Excise and Taxation Commissioner,*

*(with the powers of Financial Commissioner under the Punjab Excise Act).*

### SCHEDULE 'A'

(See sub-rule (a) of Rule 27)

Sl. No.	Particulars of license.	Rates of fixed fee.
1	2	3
	For licence in form:—	
1.	L. 1. for the vend of foreign liquor to the trade only.	Rs. 35,000 per annum.
2.	L. 1-A for the storage of foreign liquor in-bond combined with wholesale and retail vend of foreign liquor to the trade only, and for a licence in form L.11 to bottle foreign liquor.	Rs. 35,000 per annum.
3.	L.3, L.4 and L.5 for the vend o foreign liquor in a hotel or dak-bungalow, restaurant and a bar attached to a restaurant	
	the following fixed fee shall be charged:—	
	(a) In town/village with population upto 10,000.	Rs. 15,600 per annum.
	(b) In town/village with population above 10,000 and upto 15,000.	Rs. 19,500 per annum.
	(c) In town/village with population above 15,000.	Rs. 29,250 per annum.
4.	L.3-A, L.4-A and L.5-A, the following fixed fee shall be charged.—	
	(a) In town/village with population upto 10,000.	Rs. 8,000 per annum.
	(b) In town/village with population above 10,000.	Rs. 10,000 per annum.

1	2	3
	(c) In town/village with population above 15,000.	Rs. 15,000 per annum.
5.	L.10-A for retail vend of beer in the premises of L.14 vend.	Rs. 50/- per annum.
6.	L.10-B for retail vend of beer for consumption off the premises of L.14-A vend.	Rs. 50/- per annum.
7.	L.12 for the sale of medicated wine.	Rs. 50/- per annum.
8.	L.12-A for the retail sale of foreign liquor at a place of entertainment recreations:— Minimum fees  Maximum fees.	Rs. 10/- per licence or for licences more than a day, Rs. 5/- per diem, whichever is greater. Rs. 100/- per diem. Rs. 300/- per mensum. Rs. 150/- per annum.
9.	L.12-B.	
10.	L.13 for the wholesale vend of country Spirit:— (a) Attached with a distillery/Bonded Ware House. (b) (i) Quota upto 30,000 pls. (ii) Quota above 30,000 Pls. to 50,000 Pls. (iii) Quota above 50,000 Pls. 70,000 Pls. (iv) Quota above 70,000 Pls. to 90,000 Pls. (v) Quota above 90,000 Pls.	Rs. 15,000 per annum. Rs. 15,000 per annum. Rs. 22,500 per annum. Rs. 30,000 per annum. Rs. 37,500 per annum. Rs. 45,000 per annum.
11.	L.17-for the vend of denatured spirit for:— (i) Possession upto quantity of 1,000 Bls. at one time. (ii) Possession above 1,000 bulk litres at one time.	Rs. 200 per annum. Rs. 500 per annum.
12.	L.19 for the vend of Rectified Spirit.	Rs. 25/-per annum.
13.	L.20-C for the manufacture and possession of Country Fermented Liquor for home consumption.	Rs. 5/-per annum.
14.	L.20-CC for manufacture of country liquor by distillation from fruits and grains for home consumption.	Rs. 25/- per annum.
15.	L.20-D for manufacture and possession of Country Fermented Liquor for use on special occasions.	Rs. 5/- per annum.

## SCHEDULE 'B'

(See Rule 30)

## ASSESSED FEES PER BULK LITRE

Kind of licence	Spirit		Wine	Cidar etc.		Beer	
	IMFS	Imported		Indianmade	Imported	Indian made	Imported.
L.3,L. 4, L.5, L.3-A, L.4-A and L.5-A.	Rs. 25.00	Rs. 31.50	Rs. 6.25	Rs. 0.65	Rs. 1.25	Rs. 1.00 per bottle of 650 Mls.	Rs. 1.25
L.6,L.7, L.8, L.12-A, L.12-B, and L.12-C.	25.00	40.00	6.25	0.65	1.25	1.00 per bottle of 650 Mls.	1.25
L.9.	6.00	7.50	2.00	0.10	0.40	0.10	0.40
L.17. permit fee at the rate of Rs. 2/- per bulk litre.							